

## ROANOKE CITY COUNCIL

May 15, 2006

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 15, 2006, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris -----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Delegate Onzlee Ware read House Joint Resolution No. 90 which was adopted by the House of Delegates on January 13, 2006, and concurred in by the Senate on January 19, 2006, recognizing the service of Council Member M. Rupert Cutler:

"WHEREAS, Dr. M. Rupert Cutler, respected citizen and City Council member since 2002 is recognized for his outstanding service to the City of Roanoke, and,

WHEREAS, a native of Detroit, Michigan, Rupert Cutler earned an under graduate degree in Wildlife Management from the University of Michigan, and Masters and Doctoral degrees from the Department of Resource Development of Michigan State University, and,

WHEREAS, Rupert Cutler was an editor for Virginia Wildlife and National Wildlife, and for the magazine of the Virginia Game Department, and served as the Assistant Director of the Wilderness Society, Director of the Population Environment, Vice President of the National Audubon Society, and President of Defenders of Wildlife, and,

WHEREAS, because of his vast knowledge of natural resources and environmental issues, Rupert Cutler was appointed by President Jimmy Carter to serve as Assistant Secretary of Agriculture for Conservation Research and Education in 1977, and he served as Policy Director for the United States Forest Service Soil Conservation Service and various agencies of the Department of Agriculture until 1988, and,

WHEREAS, Rupert Cutler has generously given of his time and talents on numerous civic organizations and advisory boards, including Director of Virginia Explore Park, and founding Director of the Western Virginia Land Trust, Chairman of the Board of the Western Virginia Water Authority, Trustee of the Virginia Outdoors Foundation, President of the Kiwanis Club of Roanoke, and as a member of the Board of Opera of Roanoke, and,

WHEREAS, Rupert Cutler has been a valuable member of Roanoke City Council from 2002 to 2006, and has contributed immensely to enhancing the environment and the quality of life for all the residents of Roanoke.

NOW, THEREFORE, BE IT RESOLVED by the House of Delegates, the Senate concurring, that the General Assembly commends Dr. M. Rupert Cutler on his many achievements, and,

BE IT RESOLVED FURTHER that the Clerk of the House of Delegates prepare a copy of this Resolution for presentation to Dr. M. Rupert Cutler as an expression of the General Assembly's gratitude for his outstanding service and commitment to the citizens of the City of Roanoke.

On behalf of House Patrons Delegate Onzlee Ware and Delegate William Fralin, Mr. Ware advised that the resolution is only a small token of appreciation for Dr. Cutler's life time of community service.

Council Member Wishneff entered the meeting.

PROCLAMATIONS-EMERGENCY MEDICAL SERVICES: The Mayor presented a proclamation to David H. Hoback, Acting Chief, Fire - Emergency Medical Services, declaring May 14 - 20, 2006, as Emergency Medical Services Week.

PROCLAMATIONS-POLICE DEPARTMENT: The Mayor presented a proclamation to A. L. (Joe) Gaskins, Chief of Police, declaring May 14 - 20, 2006, as National Police Week and Monday, May 15, 2006, as Peace Officers' Memorial Day.

PROCLAMATIONS-PUBLIC WORKS: The Mayor presented a proclamation to Robert K. Bengtson, Director, Public Works, declaring May 21 - 27, 2006, as National Public Works Week.

Mr. Bengtson, recognized Laura Wallace, David Twigg, Lewis Andrews, Doug Beard, and Gary Walker, Public Works Department employees, who recently participated in a Heavy Equipment Rodeo in Richmond, Virginia, and advanced to Virginia/Maryland/Washington, D. C. competition. He advised that they participated in events involving the operation of front end loaders, backhoes, snowplows, street sweepers, trash trucks, and Mr. Twigg was a first place winner due to his ability to maneuver a refuse vehicle with skill and dexterity. He presented a five minute video featuring the work of the City's Public Works Department.

ACTS OF ACKNOWLEDGEMENT-COUNCIL: The Mayor congratulated Council Member Brenda L. McDaniel, recipient of the Hollins University Distinguished Service Award.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session to discuss vacancies on certain Council appointed boards and commissions; a request to discuss the annual performance of three Council-Appointed Officers; and a matter with regard to acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

MINUTES: Minutes of the regular meeting of Council held on Monday, April 3, 2006, were before the body.

Council Member Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the Mayor's request as abovedescribed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the annual performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request as abovedescribed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the City Attorney as abovedescribed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

BLUE RIDGE BEHAVIORAL HEALTHCARE: A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending that Council concur in the appointment of Daniel E. Karnes as a member at-large of the Board of Directors Blue Ridge Behavioral Healthcare, to fill the unexpired term of John M. Hudgins, Jr., resigned, ending December 31, 2006, and a three-year term beginning January 1, 2007 and ending December 31, 2009, was before the body.

It was explained that at a regularly scheduled meeting on April 6, 2006, the Board of Directors voted unanimously to nominate Daniel E. Karnes to fill the Board member at-large vacancy which occurred upon the resignation of John M. Hudgins, Jr.; the unexpired term that Mr. Karnes will complete will expire on December 31, 2006, and his first full three-year term will commence in January 2007 and expire in December 2009.

It was stated that because the by-laws require at-large appointments to be ratified by all member jurisdictions of the Community Services Board, the request will be sent simultaneously to the other four local governing bodies for ratification.

Council Member Dowe moved that Council concur in the appointment of Daniel E. Karnes as a member of the Board of Directors of Blue Ridge Behavioral Healthcare as abovedescribed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

ELECTIONS-CITY COUNCIL: A communication from Carl T. Tinsfley, Sr., Secretary, Roanoke City Electoral Board, transmitting the following Abstract of Votes cast in the General Election held in the City of Roanoke on May 2, 2006, was before Council.

**ABSTRACT OF VOTES**

cast in the City of ROANOKE, Virginia,  
at the May 2, 2006 General Election, for:

**MEMBER  
CITY COUNCIL**

AT LARGE

ENTER AT LARGE OR APPROPRIATE DISTRICT OR WARD NAME

NAMES OF CANDIDATES AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
David A. Bowers	4,710
J. Granger Macfarlane	4,761
William "Bill" White, Sr.	3,969
Mark C. McConnell	4,341
Stuart H. Revercomb	4,270
Carl D. Cooper	502
Alfred T. Dowe, Jr.	5,542
Bill C. Lockard	396
Gwen W. Mason	5,822
David B. Trinkle	5,871
<b>Total Write-In Votes</b>	
[Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	67

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 2, 2006, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following persons have received the greatest number of votes cast for the above office in said election.

<u>David B. Trinkle</u>	<u>Gwen W. Mason</u>	<u>Alfred T. Dowe, Jr.</u>
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Given under our hands this 3rd day of May, 2006.

A copy teste:



<u>Glenn B. Hancock</u>	Chairman
<u>Reed A. Hunt</u>	Vice Chairman
<u>Carl T. Tinsley</u>	Secretary
<u>Carl T. Tinsley</u>	Secretary, Electoral Board

Council Member Dowe moved that the Abstract of Votes be received and filed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-BUILDINGS/BUILDING DEPARTMENT-PARKS AND RECREATION-COMMITTEES: A report of qualification of the following persons was before Council:

Evelyn W. Manetta as a member of the Parks and Recreation Advisory Board, to fill the unexpired term of James C. Hale, ending March 31, 2009; and

Charles R. Shaver as an alternate member of the Local Board of Building Code Appeals.

Council Member Dowe moved that the report of qualification be received and filed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

#### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ARMORY/STADIUM: A communication from Mayor C. Nelson Harris advising that on March 6, 2006, Council authorized, by Ordinance No. 37316-030606, the appropriation of \$4.1 million for the Patrick Henry High School Stadium Project from the Stadium-Amphitheater account; on April 17, 2006, Council authorized, by Ordinance No. 37363-041706, the appropriation of \$4.1 million for the William Fleming High School Stadium Project from the Stadium-Amphitheater account; since its dedication on November 26, 1942, to the mid 1980's, Victory Stadium has served the City well; however, the location, age and present condition of Victory Stadium, as well as the loss of its major tenant, high school football, does not merit the investment of additional public funds in the stadium's ongoing maintenance.

The Mayor recommended the following:

- Council authorize the City Manager to take all appropriate steps to demolish Victory Stadium; currently there are funds available in the Stadium-Amphitheater Project account to cover the cost of such an activity.
- A stockpile of brick will be retained from the structure and up to four bricks will be made available to individual residents free of charge as a memento of the stadium.
- To honor the contribution the stadium has made to the history of Roanoke, he requested that Council direct that any future planned use for the existing stadium site include a memorial, composed of some of the original brick reflecting the presence and significance of the stadium, as well as memorialize Coach Bob "Guts" McClelland for whom the playing field was named.

Mr. John R. Graybill, 2443 Tillett Road, S. W., suggested that the Members of Council should abide by the three minute rule that applies to all persons who speak at City Council meetings. He called attention to a number of letters to The Editor of *The Roanoke Times* that have been edited by the newspaper to the extent that it would appear that the newspaper is on the City's side. He took issue with a letter to the Editor of *The Roanoke Times* written by G. W. Wilson with regard to the demolition of Victory Stadium and advised that contrary to Mr. Wilson's letter, he has found the people with whom he has worked on the Victory Stadium issue not to be selfish people, but good people who have exercised their democratic prerogatives, and it has been a pleasure to know and work with them. He stated that the citizens of Roanoke will continue to monitor actions taken by the Council.

Mr. Carl Sherertz, 2033 Maywood Road, S. W., advised that he is a life long resident of Roanoke, however, he stated that he was puzzled by the City's governmental leadership; on one hand, Council is delighted with revitalizing old neighborhoods such as Day Avenue, but on the other hand, it is willing to destroy Victory Stadium which is a City landmark. Further, he stated that City Council does not like the location of Victory Stadium because it is located in a floodplain, but Council has strongly advocated a biomedical facility across the street in the same area; the Mayor developed a book of historic picture postcards, but favors the demolition of Victory Stadium which quite possibly is included on one or more of the post cards; and the Vice-Mayor supports destroying a veteran's memorial, when an immediate member of his family was instrumental in saving Jefferson High School.



Ms. Mary Bowers, 2330 Carlton Road, S. W., advised that Council Members may wear one of two hats: first, the hat of a politician which may involve money, power and position, sometimes acquired by dubious means and, second, and more important, the hat of a public servant which may require caring, sharing, and a sincere dedication for the good of many. She stated that the recent Councilmanic election was not a referendum on the fate of Victory Stadium, and the winners waged a successful campaign backed by money, power and one section of the City of Roanoke. She asked that Council consider plans for Victory Stadium and asked if Council will be saviors or executioners, will Council take action to desecrate the hallowed ground on which Victory Stadium was constructed, or will the Council think of the men and women in the military who are currently serving in Iraq, will Council feel guilt and discomfort, will Council's conscience be tweaked now and forever, will the demolition of Victory Stadium be for the good of many or just a few; and if Victory Stadium is replaced with a stadium at Patrick Henry High School, will Council think of the residents of the area whose quality of life will be damaged by Council's decision. She advised that saving Victory Stadium harms no one, but tearing it down affects many; however, if Council must vote to demolish Victory Stadium, it is requested that the citizens of Roanoke be spared a dinky amphitheater with a dinky tombstone dedicated to Roanoke's veterans.

Mr. Winfred Noell, 2743 Northview Drive, S. W., advised that some Members of Council chose to construct high school stadia because they will be less expensive than renovating Victory Stadium; however, Council's action has divided the citizens of Roanoke and the demolition of Victory Stadium will not do anything to repair the damage that has already been done. He further stated that it appears that the numbers are in favor of renovation of Victory Stadium because not only would it bring the community back together, but Roanoke would have a facility that could be used for more than just high school football. He added that with the proper marketing, Victory Stadium could be a money making venue for the City of Roanoke, and asked that Council take into consideration the best use of taxpayers' dollars.

Ms. Suzanne Osborne, 1702 Blair Road, S. W., advised that she could not think of anything that could be more divisive, politically inappropriate, or demonstrate more of a lack of leadership and regard for the majority of Roanoke's citizens than a decision to demolish Victory Stadium. She stated that Citizens For A Sensible Stadium Decision, totaling approximately 600 people, which is larger than any neighborhood association, was hopeful that Council would take off its political hat and exhibit the quality of statesmanship. She added that no proposal has been submitted with regard to a proposed use if Victory Stadium is torn down, which should be a part of the decision making equation, and without a definitive plan for the site, the City could potentially spend years and hundreds of thousands of additional dollars trying to decide on a use for the site while further dividing the community. She stated that 56 percent of the votes that were cast in the May 2, 2006 Councilmanic election were for those candidates who supported

the renovation of Victory Stadium, yet the majority of Council tends to ignore the wishes of the citizens of Roanoke. She agreed with critics who say that there are other more critical issues facing the City of Roanoke than Victory Stadium, however, it should be noted that the Victory Stadium issue has not kept the City from addressing any of those issues in a timely manner because government is multi-faceted and addresses numerous issues simultaneously on a daily basis. She advised that if certain Members of Council had honored their promises, the City would not be faced with issues such as the Countryside Golf Course property, southeast Roanoke traffic calming, the Social Security Administration office building in the historic Gainsboro area, and a lawsuit filed by residents in the area of Patrick Henry High School who oppose construction of a 3,000 seat high school stadium in their neighborhood.

Mr. Stuart Revercomb, 2408 Stanley Avenue, S. E., advised that the vote in the May 2006 Councilmanic election was in effect, a referendum and it was clear that the supporters of Victory Stadium won. He called attention to Pulitzer Prize winning nominee Frederick Beekner's words that "Christians are not better than anyone else, they are just better informed", and suggested that the 56 percent majority of Roanokers who voted for candidates who supported a renovation of Victory Stadium are not better than anyone else, but they are better informed and they know that every other community in America with a similar stadium has successfully marketed their facilities, thereby increasing their quality of life, as well as enjoying the millions of dollars in revenue that streams in through hotels, food and other retail taxes. He stated that they also know that engineering reports previously indicated that structurally, Victory Stadium is in near perfect condition, which led the City's own consultants to remark that Victory Stadium was in the best condition of any structure its age that they had ever inspected, and in their combined 150 years of experience, they had not heard of a community destroying such a facility. He added that citizens also know that flooding is a non issue as referenced in Corp of Engineers reports, as well as reports provided by the City's consultants; and citizens are keenly aware of forces at work in the Roanoke Valley that seek the demise of Victory Stadium for their own self serving agendas, and those forces have come together to plot a path that has led the City to where it is today. He advised that it is difficult to fight big money and good ole boy back room politics, especially when it is supported by a press that only allows certain information to reach the public eye, and when that is not enough, a press that is willing to completely misrepresent the truth. He stated that by demolishing Victory Stadium, Council will be voting to destroy not only a monument to those who gave their lives for their country, but a community asset that the City of Roanoke will never be able to replace.

Dr. Keith Bohn, 5012 Cave Spring Circle, Roanoke County, spoke as a friend of Victory Stadium and expressed concern that there appears to be a hidden agenda as to the future use of the Stadium. He referred to the agreement between the City of Roanoke and the N & W Railway, and inquired if Victory Stadium is demolished, will the land on which the stadium is constructed revert back to the railroad, or will the land be donated to Carilion Health System for the new technology park. He stated that any action to demolish Victory Stadium is unbelievable and will be a desecration to the memory of those persons who lost their lives as they fought for the freedom of our country.

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that with \$5 to \$7 million, the City could renovate Victory Stadium and retain a memorial to those persons who served their Country in World War II, as well as the City's public safety personnel who gave their lives in the line of duty. He stated that Victory Stadium has not been properly maintained since it was removed from the responsibility of the Department of Parks and Recreation. He added that the City of Roanoke has not honored the agreement between the City and N & W Railway to maintain the property; according to a recent newspaper article, Carilion Health System is not interested in acquiring the property; and it appears that the City wishes to demolish Victory Stadium and donate the land to developers without regard to the wishes of Roanoke's citizens. He added that the City of Roanoke is not business friendly and does not offer the necessary incentives to attract certain types of entertainment to the locality. He asked that Council reconsider any decision to demolish Victory Stadium and that the stadium be renovated for the enjoyment of all citizens of the Roanoke Valley.

Mr. John E. Kepley, 2909 Morrison Street, S. E., advised that the May 2, 2006 Councilmanic election revealed that 56 percent of Roanoke's citizens voted for candidates who supported the renovation of Victory Stadium. He stated that for many years, the soul of the City of Roanoke has been at stake and the outcome of the Councilmanic election on May 2, 2006, signed the death warrant for Roanoke because the City will continue to be destroyed by leaders who are not qualified to lead. He stated that three groups will control the decision making process of elected officials; i.e.: Carilion Health Systems, The Roanoke Times, and a small group of businessmen who stand to benefit financially. He advised that some Members of Council have not honored their word with regard to their stated positions on the Victory Stadium issue, and a vote to demolish Victory Stadium will deprive Roanoke of something that the vast majority of its citizens want to preserve, it will deprive the City of the peace and unity that was once displayed in the Roanoke Valley with neighbors who are at war against one another over

stadiums, taxes, crime, and a host of other subjects, and it will deprive the once beautiful neighborhood of Raleigh Court by building an institutional type high school and a new high school stadium of 3,000 seats. He stated that past actions of the Council have aligned the citizens of South Roanoke against the remainder of the City, and tearing down Victory Stadium will be symbolic of the tearing down of the City of Roanoke.

Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., inquired as to the funding source to demolish Victory Stadium, and who will be responsible for maintenance of a memorial at Victory Stadium. She expressed concern that funds that were approved for Victory Stadium were diverted to another account for library improvements, and advised that the funds should have been used for school related purposes to help Roanoke's students pass their Standards of Learning test, or to purchase much needed classroom textbooks. She advised that Roanoke's neighborhoods are the fabric of the City, yet no elected officials were present at recent activities celebrating Neighborhood Month.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to the leadership of the majority of Council, and advised that citizens of Roanoke must be more watchful and active in order to hold each Member of Council accountable for their actions. She stated that if one does not respect the past, one will repeat past mistakes; the City of Roanoke lost the American Theater and the Roanoke Academy of Music to the wrecking ball, therefore, it is unbelievable that a majority of Council would ignore the informative and detailed report from the City's own consultants which stated that historic Victory Stadium could be renovated for \$13.5 million with the use of historic tax credits. She advised that the City is divided, with neighbors who are pitted against neighbors, therefore, Council Members should work toward bringing unity to Roanoke's citizens.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that if Council votes to demolish Victory Stadium, it will live in infamy because the will of the people will have been ignored. She expressed concern with regard to the leadership of a majority of the Council and stated that a Council majority could have moved the City forward on any issue during the past two years, but now there appears to be an all out effort to demolish Victory Stadium before the new Council takes office on July 1, 2006. She stated that Council Members will regret any decision to demolish Victory Stadium.

Ms. Patricia Pruett, 4902 Grandin Road, S. W., called attention to a recent article in *The Roanoke Times* regarding the May 2, 2006 Councilmanic election which stated that the five Council candidates who were in favor of Victory Stadium renovation received approximately 5,000 votes over and above the other five

candidates who were in favor of demolishing Victory Stadium. She stated that in honor of veterans, Roanoke dedicated Victory Stadium before World War II was won; the V stands for Victory; and the renowned poet, Henry Wadsworth Longfellow said that the lives of great men remind us that we can make our lives sublime and, when departing, leave behind us footprints in the sands of time. She added that Mr. Longfellow's statement can be applied to leadership by City officials as it relates to the City's stewardship of Victory Stadium.

Mr. E. Duane Howard, P. O. Box 8111, stated that this is an historic day for the City of Roanoke, albeit a sad one; Roanoke has lost its basketball team, and, for the second time, its hockey team, and it is surprising that there appears to be a lack of understanding as to the reasons why. He stated that it is fascinating that five Members of Council believe that the City of Roanoke is looking forward and acting progressively by destroying Victory Stadium; some citizens of Roanoke have been accused of living in the past, when, in fact, City officials are living in the past by not being able to see the future of sports and its potential impact for the City of Roanoke with a facility the size of Victory Stadium; and today, Council will vote to close the door on the future of sports for the entire Roanoke Valley. He added that for today's generation and for those of tomorrow, athletic events will be about gravity sports and the x-games, therefore, it is shortsighted for the future to close the door forever with the destruction of Victory Stadium, and for many years to come, future Councils and citizens will bemoan the fact that such a great City asset was destroyed. He advised that it is ironic that some people believe that a vote to destroy Victory Stadium will stop any future discussion of the issue, however, it will take many decades, if ever, before the citizens of Roanoke cease to talk about Victory Stadium.

Council Member Cutler stated that he will vote in favor of the resolution to demolish Victory Stadium. He advised that as he has stated consistently during his four year tenure on the Council, his lifetime of university education and professional experience in the field of environmental policy and planning bears out the fact that Victory Stadium is a liability that the City of Roanoke will be better off without; and there is no way to justify the premium that the City would have to pay to flood proof and to maintain an aging and wrong-sized structure in a floodway, compared to the cost of building and maintaining the right size stadium in an outdoor concert amphitheater venue, on uplands out of harms way. He added that he strongly supports the construction of a sports stadium at each of the City's two high schools because of the convenience and availability for use by students on a daily basis. He stated that he may be among a minority of Roanoke's citizens who continue to believe that the City should use the already prepared site that the City owns near Orange Avenue and Williamson Road for an

outdoor concert amphitheater; and it is hoped that the Council that will take office on July 1, 2006 will give the site across Orange Avenue from the Roanoke Civic Center one more review with this purpose in mind before committing the City to build a new amphitheater structure next to the Roanoke River or elsewhere. He pointed out the no U. S. Army Corps of Engineer's flood reduction project can guarantee that the Roanoke River will stay within its banks at all times; and the river bank now occupied by Victory Stadium should be devoted to soccer fields and a memorial to Coach Bob "Guts" McClelland.

Council Member Lea expressed appreciation to the citizens of Roanoke for their passion, dedication and commitment to saving Victory Stadium; however, he stated that Council will vote on the fate of Victory Stadium today and, in all likelihood, the pro Victory Stadium group will lose, but it is important to recognize that the process was handled in a democratic way. He added that he may oftentimes disagree with his Council colleagues, but he respects their right to vote according to their conscience to move the City forward. He stated that other issues need to be addressed such as economic development, education, housing, and crime, etc.; he respects the fact that everyone has the right to change their mind and he looks forward to working with Council Members-Elect Trinkle and Mason as they join the Council on July 1; there will be times when the Council will disagree on various issues, but the Council will have to work as a group for the good of the City; therefore, he encouraged the citizens of Roanoke to join with the Council and to respect the process that was used and to not engage in personal attacks.

Council Member Wishneff advised that he would not vote in favor of the resolution. He apologized to those persons who supported the renovation of Victory Stadium and to the people of Raleigh Court, some of whom are currently in the process of selling their homes, due to the construction of a football stadium at Patrick Henry High School. He expressed concern over the number of schools that have received accreditation in the City of Roanoke; the fact that the City of Roanoke has the second highest crime rate in the Commonwealth of Virginia, second only to the City of Richmond; Roanoke has lost approximately 5,000 jobs, and no economic development announcements have been made in some time; and downtown Roanoke is beginning to look like a "ghost town." He stated that the demolition of Victory Stadium will be a reflection on the City of Roanoke which is in a state of decline, and it is difficult to understand how the City could make the choice of abandoning an asset like Victory Stadium in order to construct two small high school stadiums. He called attention to a proposal which he offered to the Council for consideration earlier in the week that would provide the opportunity for the citizens of Roanoke to raise the necessary funds to renovate and to operate Victory Stadium over the next 12 months, which would not involve City funds, and with the understanding that if the funds cannot be raised within a period of 12 months, the City would proceed with the demolition of Victory Stadium.

Council Member Dowe advised that this is not a day of celebration and during his four years on Council, no sitting Council has favored the demolition, or disintegration of any structure if it made sense to maintain the building. He stated that during his tenure on Council, numerous persons have said that they would like to maintain Victory Stadium, but those same persons have also said that they will not attend events at the stadium, therefore, the two comments must be synonymous, because there must be support for Victory Stadium. He added that the City does not have the propensity, consistently, historically or futuristically, to support a facility the size of Victory Stadium; therefore, the City must move on. He commended Council Member Lea for having the courage to make the above referenced remarks.

The Mayor also commended the remarks of Council Member Lea and expressed appreciation for his call for civility.

There being no further discussion, Vice-Mayor Fitzpatrick offered the following resolution:

(#37393-051506) A RESOLUTION directing the City Manager to proceed with the demolition of Victory Stadium.

(For full text of Resolution, see Resolution Book No. 70, Page 306.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37393-051506. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Fitzpatrick, McDaniel, Cutler, Dowe, and Mayor Harris-----5.

NAYS: Council Members Lea and Wishneff -----2.

BUDGET-CLERK OF COURTS: A communication from Brenda S. Hamilton, Clerk of Circuit Court, advising that the Clerk of Circuit Court is responsible, by statute, for the recordation of legal instruments which include land records, marriage licenses, financing statements, assumed names, wills and other probate records, and Law, Chancery and criminal orders; and the Clerk's records must be maintained and available to the public.

It was further advised that the Compensation Board, through the Technology Trust Fund, has made funds available to be allocated toward contractual obligations for those offices that have indicated that funds were needed; and the Circuit Court Clerk's Office for the City of Roanoke has been allocated \$26,360.00 for reimbursement for charges by the Supreme Court of Virginia and Sutton Information Systems, which charges represent equipment maintenance and scanning fees.

The Clerk of Circuit Court requested that Council take the following actions:

- accept funding from the Compensation Board Technology Trust Fund in the amount of \$26,360.00;
- adopt a budget ordinance establishing a revenue estimate in the amount of \$26,360.00; and

appropriate funds in the same amount to an expenditure account to be established by the Director of Finance in the Grant Fund, as follows:

Account No. 035-120-5151-2005 - \$21,300.00  
Account No. 035-120-5151-9005 - \$5,060.00

A communication from the City Manager concurring in the request of the Clerk of Circuit Court, was also before the Council.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37394-051506) AN ORDINANCE to appropriate funding from the Commonwealth of Virginia through the Technology Trust Fund for the improvement of operations in the Office of Circuit Court Clerk, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, Page 307.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37394-051506. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was out of the Council Chamber when the vote was recorded.)



REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

**BUDGET-BRIDGES:** The City Manager submitted a communication advising that the City of Roanoke has received bids for the renovation of the Martin Luther King, Jr. Memorial Bridge, in accordance with the direction provided by Council; at the April 3, 2006, City Council briefing, Council supported the use of Virginia Department of Transportation Urban Allocation Funds for the Project; the Virginia Department of Transportation's current Six Year Improvement Program identifies Federal Omnibus funds, in the amount of \$497,100.00, for the Bridge; and City staff has coordinated with VDOT staff to allocate an additional \$1,500,000.00 in Urban Allocation funds to the project, which funds were originally intended for the Wonju Street project, but are no longer needed due to a reduction in project scope.

The City Manager recommended that Council adopt a budget ordinance appropriating funds in the total amount of \$1,997,100.00 to the Martin Luther King, Jr. Memorial Bridge account and to establish revenue estimates for the project; and sources of funds are: \$497,100.00 from Federal Omnibus funds, Account No. 008-052-9574-9002, and \$1,500,000.00 from Virginia Department of Transportation Urban Allocation to the City of Roanoke, Account No. 008-052-9574-9007.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37395-051506) AN ORDINANCE to appropriate federal and state funds for the Martin Luther King, Jr. Memorial Bridge Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 308.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37395-051506. The motion was seconded by Council Member Cutler.

Council Member Lea requested a status report on the Dr. Martin Luther King, Jr. Memorial Bridge Project.

The City Manager advised that several weeks ago, Council was advised that there were *insufficient funds* for the project at that time, and rather than rebid or delete certain elements from the project, Council approved a request to transfer excess Virginia Department of Transportation funds from the Wonju Street project to the Martin Luther King, Jr. Bridge project. Following Council's action today, she stated that the contract for construction or renovation of the bridge will be executed, and sufficient funds exist within the appropriation for enhancements to the bridge in order to depict the life and significance of Dr. King, as well as funds for the statue. She explained that the statue will be addressed separately and is not a part of the contract award, and renderings of statues by artists that are currently under consideration are on display in the City Manager's Conference Room.

Ordinance No. 37395-051506 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

**ECONOMIC DEVELOPMENT-INDUSTRIES-GRANTS:** The City Manager submitted a communication advising that the City of Roanoke and Valley View Mall, LLC (VVM), developer of property at Valley View Mall to be known as The District at Valley View, have negotiated an annual Economic Development Grant Performance Agreement; the Economic Development Grant will be funded by the City, but issued and administered through the Industrial Development Authority of the City of Roanoke, Virginia (IDA); the grant will assist in the demolition of structures and parking areas, upgrades to the storm water runoff system, and realignment of electrical lines and other related utilities to the site; Valley View Mall will then construct a lifestyle center consisting of several buildings along with a larger structure attached to the existing Valley View Mall; and the project will provide additional tax revenue, jobs, and services to and benefit the citizens of the City and the Roanoke Valley, in addition to providing an economic benefit to the City.

It was further advised that a proposed Performance Agreement outlines the obligations of Valley View Mall in order to qualify for and receive the grant; some of the main provisions provide that Valley View Mall must complete the demolition of certain items within 12 months after the date of the Agreement; a requirement for construction of new buildings with at least six new retail establishments that will be open to the public for business within 18 months following the date of the Agreement; and Valley View Mall will have spent, or caused to have been spent, at least \$17.4 million on development of the Project, including \$1 million on the demolition and related infrastructure improvements and enhancements within 24 months after the date of the Agreement.

It was explained that after the retail stores are opened, Valley View Mall can make up to five annual grant requests to the IDA under certain conditions; the various tax revenues, as listed in the proposed Agreement, that the City actually receives from the property or project must exceed \$550,000.00 for the preceding grant year; if so, VVM may make a grant request to the IDA for up to an amount equal to 50% of the amount of revenue the City actually received during the preceding grant year, subject to certain other provisions as set forth in the Agreement; however, the maximum amount of all grant funds VVM may receive shall not exceed \$1 million.

It was further explained that the Agreement requires VVM to provide the City and the IDA with appropriate supporting documentation for each grant request; and funding for each annual grant request will be subject to appropriation by Council to the IDA and no funding will be required during the upcoming fiscal year.

The City Manager recommended that Council approve the terms of the Performance Agreement among the City of Roanoke, Valley View Mall, and the Industrial Development Authority, and determine that such grant will promote economic development within the City; and that the City Manager be further authorized to execute a Performance Agreement and to execute such other documents and to take such further action as may be necessary to implement and administer the Performance Agreement, subject to approval by the City Attorney.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37396-051506) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia (IDA), and Valley View Mall, LLC (VVM) that provides for certain undertakings by the parties in connection with the development of certain property located in Valley View Mall, in the City of Roanoke; and dispensing with the second reading by title of this Ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 309.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37396-051506. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

**DOWNTOWN ROANOKE, INCORPORATED-SPECIAL SERVICE DISTRICT:** The City Manager submitted a communication advising that in December, 1986, Council adopted Ordinance No. 28453-120886, which established the Downtown Service District in the City of Roanoke; at that time, and for various terms since creation of the District, the City of Roanoke has entered into agreements with Downtown Roanoke, Inc. (DRI) in order for Downtown Roanoke, Inc., to undertake development activities and other additional services that are not provided uniformly throughout the City, including economic and business development promotional activities and other activities provided under State Code Section 15.2-2403; and the agreement between the City and DRI was last authorized by Council in July, 2001, pursuant to Resolution No. 35448-070201, for a five-year term to expire on June 30, 2006.

It was further advised that in July, 2002, Council, pursuant to Resolution No. 35964-070102, authorized amendment of the agreement to eliminate the \$2,000.00 charge that the City retained from actual tax receipts collected for costs incurred in collecting and administering receipts

It was explained that DRI has informed the City of its desire to continue the contractual relationship with the City in order to provide services within the Downtown Service District; in a request dated April 17, 2006, DRI proposes to enter into an agreement with an initial one-year term with a series of nine, one year mutually agreed upon renewals, which would potentially extend the agreement from July 1, 2006 through June 30, 2016; all other terms and conditions as contained in the previous agreement, as amended, will carry forward into the new agreement, such as boundaries of the District and the additional service district tax rate of \$.10 per \$100.00 valuation of real estate.

The City Manager recommended that she be authorized to execute a Downtown Service District Agreement between the City of Roanoke and Downtown Roanoke, Inc., such agreement to be approved as to form by the City Attorney; and that she be further authorized to take such action as is necessary to implement and administer the agreement.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37397-051506) A RESOLUTION authorizing the City Manager to execute an agreement with Downtown Roanoke, Inc., for continued administration of the Downtown Service District, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 70, Page 311.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37397-051506. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

AUDITS/FINANCIAL REPORTS-BUDGET-HUMAN DEVELOPMENT COMMITTEE:  
The City Manager submitted a communication advising that the Human Services Advisory Board budget, in the amount of \$578,841.00, was established by Council with adoption of the General Fund budget for fiscal year 2006-2007; requests from 33 agencies (46 programs), totaling \$887,483.00 were received; Advisory Board members studied each application prior to meetings to discuss funding allocations held on March 7, March 17, and March 22, 2006; and agencies were notified of tentative allocations and advised that they could appeal the recommendations, however, no appeals were heard by the Board.

It was further advised that performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of all funded programs.

The City Manager recommended that she be authorized to execute any contracts required with recipient agencies, such contracts to be approved as to form by the City Attorney; and that Council transfer \$578,841.00 from the Human Services Advisory Board, Account No. 01-630-5220-3700, to new line items to be established within the Human Services Advisory Board budget by the Director of Finance.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37398-051506) AN ORDINANCE to appropriate funding to the Human Services Committee, amending and reordaining certain sections of the 2006-2007 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 312.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37398-051506. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37399-051506) A RESOLUTION concurring in the recommendations of the Human Services Advisory Board ("Board") for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2006-2007; authorizing the City Manager, or her designee, to execute any required contracts with the qualified agencies for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits to evaluate the effectiveness and efficiency of all funded programs:

(For full text of Resolution, see Resolution Book No. 70, Page 315.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37399-051506. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission Agency Funding Advisory Committee budget, in the amount of \$348,077.00, was established by Council with adoption of the General Fund budget for fiscal year 2006-2007; of

the total amount, \$2,500.00 was set aside for Arts Commission funding; total funding amount represents an increase in funding of \$12,565.00 as recommended to Council in February 2006; requests from 19 agencies (including the Arts Commission), totaling \$532,270.00 were received; Committee members studied each application prior to an allocation meeting which was held on March 3, 2006; agencies were notified of tentative allocations and advised that they could appeal the recommendations of the Committee; one appeal was filed by Virginia's Explore Park; and no changes were recommended by the Committee.

The City Manager recommended that Council transfer \$348,077.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, Account No. 01 310-5221-3700, to new line items to be established by the Director of Finance within the Roanoke Arts Commission budget.

Council Member Cutler offered the following budget ordinance:

(#37400-051506) AN ORDINANCE to appropriate funding to specific Art Commission agencies, amending and reordaining certain sections of the 2006-2007 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 316.)

Council Member Cutler moved the adoption of Ordinance No. 37400-051506. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

TRAFFIC-BUDGET-STATE HIGHWAYS: The City Manager submitted a communication advising that the Virginia Department of Transportation's (VDOT) Six-Year Improvement Program (SYIP) includes funds for the following projects:

- Riverland Road, Bennington Street & Mt. Pleasant Boulevard Intersection Improvement (UPC #71741) – Total project funding of \$1,020,000.00 which includes a fiscal year 2005 allocation of \$224,000.00 (VDOT \$220,000.00, City match \$4,000.00) and a fiscal year 2006 allocation of \$796,000.00 (VDOT \$780,000.00 and City match \$16,000.00), and

- City-wide Signal & ITS Improvements (UPC #71740) - Total project funding of \$1,144,000.00, which includes a fiscal year 2005 allocation of \$554,000.00 (VDOT \$543,000.00, City match \$11,000.00), a fiscal year 2006 allocation of \$322,000.00, and a fiscal year 2007 allocation of \$268,000.00 (fiscal year 2006 and fiscal year 2007 combined are VDOT \$579,000.00, City match \$11,000.00).

It was further advised that because the projects are to be locally administered, it will be necessary for Council to appropriate funds to project accounts for disbursement against project development and implementation expenses; in February 2005, Council appropriated fiscal year 2005 allocations to the appropriate accounts; the Riverland Road account includes \$50,000.00 of local match funding, which is more than the amount required by VDOT as the locality's two per cent match; and funds for the local match for all phases of the City-wide Signal & ITS Improvements Project are available in VDOT highway project Account No. 008-530-9803.

The City Manager recommended that Council authorize the following:

- Appropriate \$780,000.00 of VDOT project funding to the existing project account Riverland Road/Mt. Pleasant/Bennington Street, Account No. 008-530-9512; increase the revenue estimate by the same amount for State reimbursement through VDOT's Six-Year Improvement Program; funds currently exist in this capital account which provides for the City's two per cent match; and
- Appropriate \$579,000.00 of VDOT project funding to the existing project account "Signal & ITS Improvements", Account No. 008-530-9833; increase the revenue estimate by the same amount for State reimbursement through VDOT's Six-Year Improvement Program; and in order to address the two percent local match, transfer funds totaling \$22,880.00 from VDOT Highway Projects, Account No. 008-530-9803, to the "Signal & ITS Improvements" account.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37401-051506) AN ORDINANCE to appropriate funding to be provided by the VDOT Six-Year Improvement Program for the Riverland Road, Mt. Pleasant Boulevard Intersection, Bennington Street and Signal & ITS Improvements Projects, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 317.)



Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37401-051506. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

#### REPORTS OF COMMITTEES:

**BUDGET-SCHOOLS:** A report of the Roanoke City School Board requesting that Council appropriate \$2,000,000.00 from the Virginia Literary Loan Fund for the addition of central air conditioning, installation of energy efficient window systems, and upgrade of facility electrical circuits at Monterey Elementary School, was before the body.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Cutler offered the following budget ordinance:

(#37402-051506) AN ORDINANCE to appropriate funding from the Virginia Literary Loan Fund for improvements to the Monterey Elementary School, amending and reordaining certain sections of the 2005-2006 School Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 318.)

Council Member Cutler moved the adoption of Ordinance No. 37402-051506. The motion was seconded by Council Member McDaniel.

Council Member Wishneff inquired about the status of the Literary Fund Loan.

Kenneth F. Mundy, Jr., Executive Director for School Fiscal Services, advised that the Literary Loan Fund will issue a new statement of availability, although it is likely that improvements and upgrades to Monterey Elementary School will not be funded directly from the Literary Fund but will be moved to a VPSA bond issue. He added that the process starts with a Literary Loan application, and as funds become available, requests are ranked on a priority list; the new priority list will be issued in June or July 2006 and it is anticipated that Patrick Henry High School and Monterey Elementary School will be moved up on the priority list. He explained that the request currently before the Council will involve VPSA bonds.

There being no further discussion, Ordinance No. 37402-051506 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate the following funds:

- \$12,000.00 for the William Fleming High School Ninth Grade Transition Grant, to provide Federal funds for the transition of middle school students to high school, which new program will be 100 per cent reimbursed by Federal funds;
- \$2,912.00 for the 2006 Advanced Placement (AP) Fee Payment Program to reimburse part, or all of the cost of fees for low-income students who take the test, said continuing program to be 100 per cent reimbursed by Federal funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Cutler offered the following budget ordinance:

(#37403-051506) AN ORDINANCE to appropriate funding from the federal government for the William Fleming Ninth Grade Transition Grant and the AP Fee Payment Programs, amending and reordaining certain sections of the 2005-2006 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 319.)

Council Member Cutler moved the adoption of Ordinance No. 37403-051506. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:  
NONE.

At this point, Vice-Mayor Fitzpatrick left the meeting.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUILDINGS/BUILDING DEPARTMENT: Council Member Cutler called attention to a \$9.5 million construction permit that was issued by the City for improvements to The Patrick Henry Hotel.

SPECIAL EVENTS: Council Member Dowe commended organizers of the Annual Jabberwock, Strawberry Festival, Local Colors, Annual Chili Cook-off, and Kiwanis Young Leaders Program.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-CITY COUNCIL: Mr. John E. Kepley, 2909 Morrison Street, S. E., advised that some Members of Council have not listened to the wishes of the citizens of Roanoke. He called attention to instances when certain Members of Council have not honored their word with reference to statements and/or commitments regarding Victory Stadium.

COMPLAINTS-CITY COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the City of Roanoke is divided because on numerous occasions, Council has not honored its word on various issues. She stated that citizens in the area of Patrick Henry High School are divided on the issue of constructing a small high school stadium in their neighborhood, and Council should listen to the wishes of the majority of citizens who live in the area who are opposed to the high school stadium. She requested that Council take immediate action to unite the citizens of Roanoke.

COMPLAINTS-ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that Victory Stadium was constructed as a memorial to the veterans of World War II, the facility has served as the home for VMI and VPI football games, as well as other college and professional football games, and in more recent years, Victory Stadium has been the home of high school football games and the City's 4th of July celebrations. He stated that the City of Roanoke has allowed the stadium to fall into a state of disrepair, even though funds were appropriated for stadium repairs, and the funds were used for other City projects. He advised that the Stadium could be renovated for \$5 - \$7 million, and with the proper marketing, the Stadium could be used by all citizens of the Roanoke Valley and could become a profitable venture for the City of Roanoke. He advised that Council has not listened to the wishes of the majority of its citizens who want Victory Stadium to be renovated. He called for a complete investigation of all City funds that have been issued to Carilion/Roanoke Memorial Hospital, and a complete audit of City funds pertaining to Victory Stadium from 1985 to date.

Vice-Mayor Fitzpatrick returned to the meeting.

COMPLAINTS: Mr. E. Duane Howard, 1135 Wasena Avenue, S. W., advised that nothing destroys faith and trust in government more than the "good old boy system," nepotism, and back door politics. He expressed concern with regard to alleged nepotism in the Sheriff's department and stated that elected officials should be prohibited from appointing family members to government positions. He expressed further concern with regard to a potential conflict of interest in the appointment of members of the same household to City Council appointed boards and commissions.

COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert E. Gravely, 727 29<sup>th</sup> Street, N. W., spoke with regard to an inadequate pay scale for City employees and the lack of housing opportunities for the City's work force because they cannot afford to purchase a house in the City of Roanoke based on current wages. He stated that Roanoke's citizens will not be united if the City's infrastructure continues to be neglected, or if there is no compassion, understanding or expressed purpose by City leaders. He expressed concern that the cost of utilities have increased, the price of gasoline has increased, the price of tickets to events at the Roanoke Civic Center has increased to the point that the average person cannot afford the price of a ticket, and the need for better marketing of Roanoke's downtown area.

CITY MANAGER COMMENTS:

CELEBRATIONS-SPORTS COMPLEX: In response to concerns expressed by citizens earlier in the Council meeting, the City Manager advised that the Annual 4th of July celebration will again be held at River's Edge Sports Complex.

At 4:20 p.m., the Mayor declared the Council meeting in recess for three Closed Sessions.

At 5:40 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Council Member Wishneff, Mayor Harris presiding.

OATHS OF OFFICE-COMMITTEES-PENSIONS: The Mayor advised that the terms of office of David C. Key, Anthony P. Wallace, Michael W. Hanks and Efren Gonzalez as members of the Board of Trustees, City of Roanoke Pension Plan, will expire on June 30, 2006; Mr. Wallace is ineligible to serve another term inasmuch as the position must be filled by a representative of the Police Department; and the position held by Mr. Gonzalez will be filled by a representative of the Western Virginia Water Authority; whereupon, the Mayor opened the floor for nominations.

Vice-Mayor Fitzpatrick placed in nomination the names of John G. Reed, Curtis L. Davis, Michael W. Hanks and David C. Key.

There being no further nominations, Mr. Reed was appointed for a term commencing July 1, 2006 and ending June 30, 2010; Mr. Davis was appointed for a term commencing July 1, 2006 and ending June 30, 2008; Mr. Hanks was reappointed for a term commencing July 1, 2006 and ending June 30, 2008; and Mr. Key was reappointed for a term commencing July 1, 2006 and ending June 30, 2010, as members of the Board of Trustees, City of Roanoke Pension Plan, by the following vote:

FOR MESSRS REED, DAVIS, HANKS AND KEY: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----7.

ROANOKE NEIGHBORHOOD PARTNERSHIP-OATHS OF OFFICE-COMMITTEES: The Mayor advised that there are two vacancies on the Roanoke Neighborhood Advocates to fill the unexpired term of Althea L. Pinkington, ending June 30, 2006, and Carol Jensen, ending June 30, 2007; whereupon, he called for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the names of Clarice E. Walker and Brian G. Gibson.

There being no further nominations, Ms. Walker was appointed to fill the unexpired term of Althea L. Pilkington, resigned, ending June 30, 2006; and Mr. Gibson was appointed to fill the unexpired term of Carol Jenson, resigned, ending June 30, 2007, as members of the Roanoke Neighborhood Advocates, by the following vote:

FOR MS. WALKER AND MR. GIBSON: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris -----7.

OATHS OF OFFICE-COMMITTEES-SCHOOLS: The Mayor advised that the terms of office of Jason E. Bingham, Kathy G. Stockburger, and David B. Trinkle as Trustees of the Roanoke City School Board will expire on June 30, 2006; whereupon, he advised that the following names would be placed in nomination: James P. Beatty, Jason E. Bingham, Caren D. Boisseau, Jay Foster, Mae G. Huff, Randy L. Leftwich, Mark S. Lucas and Todd A. Putney.

The Mayor advised that Council Members would cast their votes for up to three candidates.

FOR MR. BEATTY: None-----0.

FOR MR. BINGHAM: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe and Mayor Harris-----6.

FOR MS. BOISSEAU: None-----0.

FOR MR. FOSTER: None-----0.

FOR MS. HUFF: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

FOR MR. LEFTWICH: None-----0.

FOR MR. LUCAS: Council Members Lea, Wishneff and Cutler-----3.

FOR MR. PUTNEY: Council Members Fitzpatrick, McDaniel, Wishneff, Dowe and Mayor Harris-----5.

The Mayor advised that Mr. Bingham was reappointed and Ms. Huff and Mr. Putney were appointed as Trustees of the Roanoke City School Board for terms of three years, each, commencing July 1, 2006 and ending June 30, 2009.

At 5:45 p.m., the Mayor declared the Council meeting in recess, and the Council reconvened in Closed Session to conduct performance evaluations of three Council Appointed Officers.

At 6:53 p.m., the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with all Members of the Council in attendance, except Council Member Wishneff, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Vice-Mayor Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was absent.)

At 6:55 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, May 15, 2006, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Brian J. Wishneff -----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 15, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Highland Park United Methodist Church that a portion of property located at 702 Ferdinand Avenue, S. W., identified as Official Tax No. 1120908, and an adjoining parcel of land identified as Official Tax No. 1120909, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, to allow for single family residential housing, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 28, 2006 and Friday, May 5, 2006.

The City Planning Commission submitted a written report advising that as part of a comprehensive rezoning adopted by Council on December 5, 2005, the subject properties were rezoned from RM-2, Residential Multifamily, Medium Density District, to IN, Institutional District; the properties are located in the H-2, Historic Neighborhood Overlay District, and the petitioner requests that a portion of property bearing Official Tax No. 1120908 and an adjoining parcel of land bearing Official Tax No. 1120909, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, to allow for a single-family dwelling.

The Planning Commission recommended that Council approve the request for rezoning, inasmuch as the petition to rezone the abovedescribed property furthers the purposes of the Old Southwest Neighborhood Plan and the City's Zoning Ordinance and Map.



Council Member Dowe offered the following ordinance:

(#37404-051506) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, dated December 5, 2005, as amended, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 70, Page 320.)

Council Member Dowe moved the adoption of Ordinance No. 37404-051506. The motion was seconded by Council Member Lea.

Edward A. Natt, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning. There being none, he declared the public hearing closed.

Council Member McDaniel requested clarification with regard to the opposition of Old Southwest, Inc., to the request.

R. Brian Townsend, Agent, City Planning Commission, advised that the old Southwest neighborhood was concerned about future use of the church. He called attention to a church parsonage which is located on the property, and under the zoning ordinance, in order for the church to sell the property or use the property for single family purposes unrelated to the church, the zoning must to be changed on that portion of the property, therefore, the concern of the neighborhood related to the impact on the church insofar as split zoning. He stated that the attorney for the petitioner could not confirm the name of the purchaser of the church property, which was also a question raised by the neighborhood, the Planning Commission confirmed that the matter was irrelevant to the nature of the request, and the City Planning Commission opted to recommend approval of the request for rezoning.

Mr. Natt advised that another church has executed a contract to purchase the church building, but has no interest in the church parsonage inasmuch as the church has no pastor and the denomination does not use the parsonage concept. He stated that the neighborhood's concerns relate to marketing the single family residential structure and the Planning Commission took the position that marketing of the structure was not an issue, as opposed to land use, and the desire was to have the church remain a church and the single family residence to remain a single family residence, with the ability to sell the structures in that way.

There being no further questions or comments by Council Members, Ordinance No. 37404-051506 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 15, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Pheasant Ridge Land Investors, LLC, to repeal and replace proffered conditions on a 4.09-acre property located on Pheasant Ridge Road, S. W., identified as Official Tax No. 5460129, such new proffers relating to a new development plan for the subject property, in order to construct one additional multifamily structure, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 28, 2006 and Friday, May 5, 2006.

The City Planning Commission submitted a written report advising that on December 3, 1979, at the request of Roanoke Health Care Center, Council rezoned the 49.23 acre parcel of land to C-1, Office District, and RM-2, Residential Multifamily District, with conditions; and on February 5, 1996, at the request of Roanoke Health Care Center, Council rezoned the RM-2 portion of the property to C-1, with conditions, for the purpose of constructing a group care facility, upon certain proffered conditions.

The Planning Commission recommended approval of the request inasmuch as the second amended petition to amend the proffered conditions with regard to Official Tax No. 5460129 to construct one additional multifamily structure furthers the purposes of the City's Comprehensive Plan, the Southern Hills Neighborhood Plan, and the City's Zoning Ordinance.

Council Member Dowe offered the following ordinance:

(#37405-051506) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by amending the conditions presently binding upon certain property conditionally zoned MX, Mixed Use District, with conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, Page 322.)

Council Member Dowe moved the adoption of Ordinance No. 37405-051506. The motion was seconded by Vice-Mayor Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the request. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37405-051506 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was absent.)

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 15, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Commonwealth Coach and Trolley Museum, Inc., a non-profit organization, for exemption from taxation of certain personal property located in the City of Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday May 5, 2006.

The City Manager submitted a communication advising that Commonwealth Coach and Trolley Museum, Inc., located at 602 18<sup>th</sup> Street, S. W., provides transportation for non-profits throughout the Roanoke Valley, serving approximately 6,000 - 8,000 citizens annually; the Museum owns four active buses and requests that they be exempt from personal property taxation; and annual taxes due for fiscal year 2005-2006 for the four buses are \$54.17 on an assessed value of \$1,570.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City of Roanoke, pursuant to Resolution No. 36331-051903, effective January 1, 2003; and Commonwealth Coach and Trolley Museum, Inc., provided the required information prior to April 15, 2006, the deadline for receipt of applications for exemptions to be in effect on July 1, 2006.

It was explained that according to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$54.17 in annual personal property taxes; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying personal property taxes on the four buses by classification or designation under the Code of Virginia and the IRS recognizes Commonwealth Coach and Trolley Museum as a 501(c) 3 tax-exempt organization.

The City Manager recommended that Council authorize Commonwealth Coach and Trolley Museum, Inc., to be exempt from personal property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective July 1, 2006.

Council Member Cutler offered the following ordinance:

(#37406-051506) AN ORDINANCE exempting from personal property taxation certain personal property located in the City of Roanoke and owned by Commonwealth Coach and Trolley Museum, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 324.)

Council Member Cutler moved the adoption of Ordinance No. 37406-051506. The motion was seconded by Council Member Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37336-032006 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Cutler, Dowe, and Mayor Harris-----5.

NAYS: None-----0.

(Vice-Mayor Fitzpatrick abstained from voting inasmuch as he serves as President of Commonwealth Coach and Trolley Museum, Inc.)

(Council Member Wishneff was absent.)

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 15, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Norfolk and Western Historical Society, Inc., a non-profit organization, for tax exempt status of certain real property located at 2101 Salem Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 5, 2006.

The City Manager submitted a communication advising that Norfolk and Western Historical Society, Inc., owns property known as Official Tax No. 1311225, located at 2101 Salem Avenue, S. W.; the primary purpose of the organization is to preserve records and drawings of Norfolk and Western Railway; the mission of the organization is to preserve history and memories of N & W and Virginia Railways, both of which were important contributors to the economy of the Roanoke area; and annual taxes for fiscal year 2005-2006 on the above referenced parcel of land are \$2,049.74 on an assessed value of \$169,400.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests of non-profit organizations for tax exemption of certain property in the City of Roanoke, pursuant to Resolution No. 36331-051903, effective January 1, 2003; and Norfolk and Western Historical Society provided the required information prior to April 15, 2006, which is the deadline for receipt of applications for exemptions to be effective on July 1, 2006.

It was explained that according to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$1,639.80 annually after a 20 per cent service charge is levied by the City in lieu of real estate taxes; the service charge will be \$409.94; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes on the above referenced property by classification or designation under the Code of Virginia; and the IRS recognizes Norfolk and Western Historical Society as a 501(c)(3) tax-exempt organization.

The City Manager recommended that Council authorize Norfolk and Western Historical Society, Inc., to be exempt from real estate property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective July 1, 2006, for the above described property, if the organization agrees to pay the subject service charge by July 1, 2006.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37407-051506) AN ORDINANCE exempting from real estate property taxation certain property located in the City of Roanoke of Norfolk and Western Historical Society, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 325.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37407-051506. The motion was seconded by Council Member Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37407-051506 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was absent.)

**PURCHASE/SALE OF PROPERTY:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 15, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Jacquot Corporation to purchase three parcels of City-owned property located at the intersection of Wells Avenue and Gainsboro Road, N. W., identified as Official Tax Nos. 2012715, 2012716 and 2012717, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 5, 2006.

The City Manager submitted a communication advising that the City of Roanoke currently owns property located on Wells Avenue, N. W., identified as Official Tax Nos. 2012715, 2012716 and 2012717; Trent C. Gibson, Ted W. Gibson and Jacquot Corporation, adjacent property owners, have contacted the City with regard to purchase of the property; as contained in correspondence dated March 29, 2006, the above referenced property owners have submitted a request to purchase the parcels of land by quitclaim deed; the parcels of land are currently assessed at \$45,600.00, \$25,800.00 and \$3,800.00 respectively; figures are based on former zoning regulations which zoned the parcels of land in the C-3 downtown district; under current zoning regulations, the parcels of land are zoned residential and the assessed values will be significantly lower; at this time, proposed estimates for the new assessments are \$5,200.00, \$1,900.00 and \$600.00 respectively; although the Department of Real Estate Valuation has not officially assessed the parcels of land at the new lower estimates, the adjacent property owners have offered to purchase the property for a total purchase price of \$6,400.00; the proposed new assessment will total \$7,700.00 if each parcel is sold individually, but since none of the parcels of land are developable on their own the adjacent property owner has offered \$6,400.00 for all three parcels which City staff believes to be a reasonable value; and it has been determined that there is no benefit for the City to continue ownership of the parcels of land.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents to convey the property to Trent C. Gibson, Ted W. Gibson and Jacquot Corporation, for a consideration of \$6,400.00, such documents to be approved as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37408-051506) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of Official Tax Map Nos. 2012715, 2012716 and 2012717 containing 0.1103 acre, 0.0640 acre and 0.0640 acre, respectively, located at the intersection of Wells Avenue, N. W. and Gainsboro Road, N. W., to Trent C. Gibson, Ted W. Gibson and Jacquot Corporation, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 327.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37408-051506. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37408-051506 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

No citizens signed up to speak.

There being no further business, the Mayor declared the meeting adjourned at 7:20 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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